

**ASSEMBLY BILL**

**No. 2572**

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**Introduced by Assembly Member Mountjoy**

February 21, 2002

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An act to add Section 49415 to the Education Code and to amend Section 11154 of the Health and Safety Code, relating to drugs.

LEGISLATIVE COUNSEL'S DIGEST

AB 2572, as introduced, Mountjoy. Psychotropic drugs.

Existing law requires a school district to give diligent care to the health and physical development of pupils and authorizes a school district to employ properly certified persons for that work.

This bill would prohibit employees of school districts and county boards of education, except medical personnel authorized to prescribe medicine, from recommending the use by pupils of psychotropic drugs.

Existing law makes it a crime for any person, except in the regular practice of his or her profession, to prescribe, administer, dispense, or furnish a controlled substance to a person not under specified treatment.

This bill would, in addition, make it a crime for a person to knowingly prescribe, administer, dispense, or furnish psychotropic drugs, as defined, to a minor without first obtaining the written consent of a minor's parent or guardian after disclosure of known side effects. By creating a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 49415 is added to the Education Code,  
2 to read:

3 49415. (a) Notwithstanding any other provision of law,  
4 school district employees, except medical personnel authorized to  
5 prescribe medicine, are prohibited from recommending the use by  
6 pupils of psychotropic drugs, as defined in Section 3500 of the  
7 Penal Code.

8 (b) Notwithstanding any other provision of law, employees of  
9 a county board of education, except medical personnel authorized  
10 to prescribe medicine, are prohibited from recommending the use  
11 by pupils of psychotropic drugs, as defined in Section 3500 of the  
12 Penal Code.

13 SEC. 2. Section 11154 of the Health and Safety Code is  
14 amended to read:

15 11154. (a) Except in the regular practice of his or her  
16 profession, no person shall knowingly prescribe, administer,  
17 dispense, or furnish a controlled substance to or for any person or  
18 animal which is not under his or her treatment for a pathology or  
19 condition other than addiction to a controlled substance, except as  
20 provided in this division.

21 (b) No person shall knowingly solicit, direct, induce, aid, or  
22 encourage a practitioner authorized to write a prescription to  
23 unlawfully prescribe, administer, dispense, or furnish a controlled  
24 substance.

25 (c) *No person shall knowingly prescribe, administer, dispense,*  
26 *or furnish psychotropic drugs, as defined in Section 3500 of the*  
27 *Penal Code, to or for a minor, without first obtaining the written*  
28 *consent of a minor's parent or guardian after disclosure of known*  
29 *adverse side effects.*

30 SEC. 3. No reimbursement is required by this act pursuant to  
31 Section 6 of Article XIII B of the California Constitution because  
32 the only costs that may be incurred by a local agency or school  
33 district will be incurred because this act creates a new crime or



1 infraction, eliminates a crime or infraction, or changes the penalty  
2 for a crime or infraction, within the meaning of Section 17556 of  
3 the Government Code, or changes the definition of a crime within  
4 the meaning of Section 6 of Article XIII B of the California  
5 Constitution.

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